

## VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code Supplement section 35A.5 and 2008 Iowa Acts, Senate File 2289, the Department of Veterans Affairs hereby proposes to amend Chapter 9, "War Orphans Educational Assistance Fund," Iowa Administrative Code.

The proposed amendments to Chapter 9 are intended to comply with changes made during the 2008 legislative session. Changes to Chapter 9 include modifying the residency requirements so that benefits may be provided to a war orphan of a deceased veteran who lived in this state; requiring that a war orphan begin utilizing the education benefits before reaching the age of 26 and finish schooling before reaching the age of 31; establishing that this assistance is for tuition costs only and will be paid directly to the institution; setting minimum academic standards that students must meet in order to receive funding; allowing these funds to be used at any postsecondary institution in Iowa; and establishing a maximum funding amount that equals five times the highest resident undergraduate tuition rate of the three regent universities.

Any interested party or persons may present their views either orally or in writing at a public hearing to be held on September 2, 2008, from 4 to 4:30 p.m. at the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing should contact Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50313-1824, or at (515)242-5331, prior to the date of the hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact Kent Hartwig at (515)242-5331.

Any interested person may make written comments or suggestions on the proposed amendments until 4:30 p.m. on September 2, 2008. Written comments and suggestions should be addressed to Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50313-1824; sent by E-mail to [kent.hartwig@iowa.gov](mailto:kent.hartwig@iowa.gov); or sent by fax to (515)242-5659.

No fiscal impact is anticipated.

These amendments are intended to implement Iowa Code sections 35.8 and 35.9 as amended by 2008 Iowa Acts, Senate File 2289.

The following amendments are proposed.

ITEM 1. Amend rule 801—9.3(35) as follows:

#### **801—9.3(35) Program for children of veterans who died on or after September 11, 2001.**

**9.3(1) Definition.** For the purposes of this rule, a war orphan is:

*a.* ~~The~~ A child who has not reached the age of 31 and who is the child of a man or woman who died in service or as a result of such service on or after September 11, 2001, as follows:

(1) While serving in the military or naval forces of the United States, to include members of the reserve components performing service or duties required or authorized under Chapter 39, United States Code, and Title 32, United States Code, Sections 502 through 505.

(2) Active state service required or authorized under Iowa Code chapter 29A, or as a result of such service.

b. ~~The~~ A child who has not reached the age of 31 and who is the child of a national guardsman or other member of a reserve component who died or was killed in the performance of training or other duties ordered by competent federal or state authorities.

**9.3(2) Residency requirement.** ~~A war orphan shall have lived in the state of Iowa for at least two years~~ To qualify for war orphan tuition assistance, the war orphan shall be the child of a veteran who died as a result of active military service and at the time of entering into active military service had maintained primary residence in this state for a period of at least six months immediately preceding the filing of an application before entering into active military service.

**9.3(3) School requirement.** ~~A war orphan shall attend in this state a community college established under Iowa Code chapter 260C or an institution of higher education governed by the state board of regents~~ a postsecondary educational institution in this state.

**9.3(4) Amount of payment.** ~~In no case shall payment of war orphans educational assistance be in excess of \$5,500 per person per year or the amount of the child's established financial need, whichever is less. There is a lifetime maximum of \$27,500 per person~~ an amount in excess of the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents, less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition. The lifetime maximum payment to an eligible child shall be an amount not to exceed five times the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents.

**9.3(5) Age requirements.** In order to receive state educational assistance under this rule, a war orphan shall begin postsecondary education prior to reaching the age of 26. State educational assistance ceases at the time the war orphan reaches the age of 31.

ITEM 2. Amend subrules 9.4(2) to 9.4(4) as follows:

**9.4(2) How assistance may be used.** ~~War orphans educational assistance may be used to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children attending a school meeting the requirements set forth above.~~

**9.4(3) Scholastic and financial standing.** ~~War orphans educational assistance is a gift from the state of Iowa to any eligible war orphans and is given regardless of scholastic or financial standing~~ orphan who meets the academic progress standards of the postsecondary educational institution the war orphan is attending.

**9.4(4) Unrestricted factors.** ~~There are no restrictions on war orphans with respect to age, number of years of planned attendance at a school of learning, or marital status.~~

ITEM 3. Amend paragraph **9.5(1)“b”** as follows:

b. A copy of the war orphan's birth certificate and proof of death of the veteran parent shall be included with the completed application. Proof of death of the veteran parent while in service may be a telegram, letter, or certified verification from the U.S. Department of Defense. Proof of death after service is a copy of a death certificate. Proof that the deceased veteran parent resided in this state for six months immediately before entering active military service shall also be included with the application. This may include, but is not limited to, a record of a property tax payment, mortgage payment or rent payment or a rental contract.

ITEM 4. Amend **801—Chapter 9**, as follows:

These rules are intended to implement Iowa Code sections 35.8; and 35.9 as amended by 2008 Iowa Acts, Senate File 2289, and Iowa Code sections 35.10 and 35.11.